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May 5, 2014

**VIA EMAIL & US MAIL**

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Re: Notice of Intent to File Administrative Complaint for Violation of the  
Clean Water Act and Information Request

Gentlemen:

I am writing to provide you with a response to your letter dated April 4 and our conversation of last month. Thank you for allowing us the opportunity to provide you with this information. This will serve as our response to your information request issued pursuant to Section 308 of the Clean Water Act. As we discussed, (b) (6) Terry A. Jones (b) (6) Terrence S. Jones. (b) (6) James Jones also works on the farm.

I understand that we have a conference call set for 11 a.m. Mountain Time on May 15 at which time we look forward to further discussing this matter with all of you. As it was a week after the date of your letter when it was received by certified mail, we appreciate the short extension of time you allowed us to respond. We have endeavored to track down as much of the requested documentation as possible in order to respond to your request.

We are well aware this issue stems from Joe Morton who has and continues to file countless complaints to every state and federal agency who will listen to him. He has made false and exaggerated complaints accusing us of doing everything imaginable all in his perplexing effort to try and have our farm shut down. Given this fact, we feel compelled to provide you with some background regarding our historical experience with this individual.

Mr. Morton has been involved in protracted litigation against us for years. He routinely files frivolous complaints with every state and federal agency possible and we are well aware that he emails your office regularly about not only our facility, but several others that he has targeted in this community. To understand the extreme lengths he goes to, Mr. Morton actually has multiple video cameras on top of telephone poles which he uses to monitor our property. He can often be seen starting his day by trespassing on neighboring land and using telephoto lenses to watch us. He has assaulted (b) (6). He has damaged our property. Police have been called on numerous occasions. We have seen him time and time again trespassing on the property of others so that he can try to further observe our property.

We have reason to believe he has tried to sabotage our lagoons in order to create the very problem we are now facing in trying to defend ourselves before your agency. He has and continues to fabricate information against us in an attempt to perpetually interfere with our farming operations. He was involved in a boundary dispute lawsuit for over a year before he finally gave up. He has a website where he touts his skill and experience in putting agricultural operations in this area out of business as well as documenting his routine efforts to utilize the government to do his bidding.

Interestingly, in response to another Morton complaint the EPA had their local Idaho people come out and perform what we were told was a "routine" inspection at our Rim Fire Ranch. As your records should reflect, this inspection occurred just weeks before the subsequent Morton complaint was made last July. We were not told at the time of the EPA inspection of any concerns regarding our lagoon system or our process of handling waste and tail water.

From our perspective, had there been a legitimate concern from the EPA about any part of our water system, we certainly would have expected it to have been brought up at that time. It does not seem fair that if your regulatory agency had any discharge concerns that it would elect to wait to notify us in order to allege further or more serious violations later on. We were never provided with a copy of the EPA Inspection Report even though the inspectors expressly told us that we would be getting one.

In another example of Morton's actions, we just completed the sale of our Silverleaf property this spring which bordered Mr. Morton on the west side of his



property. We were forced to sell this property simply because we were no longer willing to fight with Mr. Morton any longer. Before the sale, we were operating a calf raising operation at that facility with John Hepton who left due to Morton.

Mr. Morton filed another complaint with your office alleging that our waste lagoon at the Silver Leaf property was full and running over into the Payette River. In response to his complaint, two inspection vehicles from your agency promptly showed up apparently hoping to catch us in the act of polluting. What they found instead was a dry lagoon and no pollution. They even took soil samples from the bottom of the lagoon with their bare hands.

(b) (6) spent several hours filling out the report they required for that visit when we had done nothing wrong. Despite this false accusation, we are left to wonder why no action was taken by your office against Mr. Morton for making a false report and wasting the resources of your office in the process. It is for this reason that it is frustrating to us that your office will send out a team with two vehicles to our facility to investigate a false allegation, but it appears your office does not want to come to our property to hear and see our side of the story for why we should not be fined in this case.

Mr. Morton's complaint upon which your letter says the alleged "documented violations" are based, is that our facility was somehow discharging manure and/or process wastewater into the Sandhollow waste ditch. This relates to wastewater that had already been mixed with irrigation water, had already been land applied and was, in fact, run off water at the time of the alleged discharge. As you may know, the Sandhollow waste ditch on our property is empty year round other than during the irrigation season.

The water for this ditch comes from the Emmett irrigation canal. The waste ditch originates on our property and is utilized to help regulate flow in the irrigation canal. This waste ditch previously ran closer to our waste lagoon, but we relocated this ditch to the west side of our property. In an effort to resolve the concerns raised last summer, we applied for and were granted the ability at our own expense to relocate the point of diversion for the headgate for the Sandhollow waste ditch from the back of our property to its current location on the far west edge of our property. (Please note that several photos which help illustrate this issue are attached to the May 1, 2014 Trip Report from the Idaho Department of Agriculture.)

Water from this waste ditch is utilized by other water users downstream who water their crops with it before any remaining tail water again returns to the waste ditch. Every time the water is utilized on another field, it picks up additional effluents in the form of chemical and manure fertilizers before any remaining water is ultimately drained back into the Payette River. Interestingly, Joe Morton and his cohorts, Mr. Kambish, Mr. Kipper, etc. also apply both commercial and animal waste fertilizer to their

fields which then runs off and enters the waters of the United States, yet it appears we are the only dairy farm being pursued.

In virtually every irrigation setting, you will see fields with irrigation runoff. As this water runs off, it will pick up whatever chemicals and manure materials are in the soil which are not otherwise taken up into the crop. This waste water then ultimately drains back to a river – this is a common occurrence for which we are unaware of it being considered a point source of pollution. It is therefore unclear why the EPA is electing to charge us with violating the Clean Water Act.

We have consistently strived to be good stewards of the land and water resources in our operation. We can prove this by examining our past actions. For example, we were one of the first dairies in the entire state of Idaho to have our property undergo evaluation and implementation of a nutrient management plan back in 1999. (b) (6) first signed on to a conservation agreement with the Gem County Soil and Water Conservation District back in 1981.

More importantly, in response to this complaint, we have taken the significant step of making it so that the irrigation run off from the lower part of our entire operation does not ever come into contact with the Sandhollow waste ditch. This tail water no longer leaves the property at all and is instead recirculated back onto our fields. Mr. Morton and his colleagues (indeed most farmers in America) cannot make such a statement and we can only hope they will make similar efforts to their property since Mr. Morton claims he is so concerned about the environment.

In answer to your information request we provide the following:

1. Identify all members of Respondent, Rim Fire Ranch, LLC: This entity is solely owned and operated by Terry A. Jones, 6030 Sandy Ave. Emmett, Id, 83617, (b) (6). His email address is (b) (6) is the sole owner and operator of Rim Fire Ranch. This is a small family farm business and we therefore do not have any complex management structure.

2. Describe the nature of Respondent's property interest in the facility. This request is vague and ambiguous. (b) (6) owns the property which is identified on the enclosed deed as **Exhibit A**. This property includes a lease with Sage Dairy which operates the dairy portion of the facility which includes around 30 acres which is also identified on the enclosed map in pink as **Exhibit B**. We have also enclosed a copy of the lease agreement with Sage Dairy as **Exhibit C**. The property was acquired on January 1, 1980 and was previously in the name of Treasure Valley Land and Cattle Company which was later changed after the passing (b) (6) Kermit Q. Jones, to Rim Fire Ranch, LLC. (b) (6) has control over the land identified as Rim Fire Ranch other than that 30 acre portion of the land which subject to the lease agreement with Sage Dairy.



3. Provide a facility map. See maps attached as **Exhibit D**. Additional aerial and topographical maps can be found within the nutrient management plans attached as **Exhibits F and G**.

4. Describe the nature of Respondent's operations at the facility for each of the last five years including a description of the agricultural activities conducted for both livestock and crops. Regarding the farm ground, Rim Fire Ranch has approximately 180 acres of farm ground. Our farming activities on that ground have been consistent for more than the last five years. The attached detailed nutrient management plans provide you with information regarding a number of issues including: the size of the fields, the annual crops grown on these fields, the irrigation systems used on these fields as well as crop yield information and soil studies. Crops routinely grown include a mix of silage & grain, corn, wheat, alfalfa, triticale, and grass. The harvest from these crops is utilized as feed for cattle on the property. This was true both before and after the arrival of Sage Dairy in late 2012.

Regarding cattle numbers we have identified the following information:

- a. Cattle numbers 2009
  - i. 80 milk & dry cows
  - ii. 40 replacements
- b. Cattle numbers 2010
  - i. 80 milk & dry cows
  - ii. 40 replacements
  - iii. Attached as **Exhibit E** are the Idaho State Dept. of Agriculture inspection audit numbers regarding animal numbers.
- c. Cattle numbers 2011
  - i. 103 milk & dry cows
  - ii. 20 replacements
  - iii. Attached as **Exhibit E** are the Idaho State Dept. of Agriculture inspection audit numbers regarding animal numbers.
- d. Cattle numbers 2012
  - i. The number of cows and replacements was comparable with the numbers for 2011 at around 100 head, however, all animals were sold by or before October 2012. We are still looking for the market sales receipt for precisely when the cattle were sold in 2012. If this is needed, please advise and we can follow up with trying to obtain documentation from the cattle auction company.

- ii. It was during this time that the agreement with Sage Dairy was negotiated, the CAFO was permitted to allow a larger dairy operation and significant improvements were being made to upgrade the dairy facilities. Improvements included new and upgraded corrals, rebuilt the milking parlor and support facility, rebuilt the main lagoon and upgraded the well system. The Sage Dairy cattle began arriving in late December 2012.
- e. Cattle numbers 2013
  - i. 750 milk and dry cows
  - ii. By the end of the year about 750 replacements from newborns up to springer heifers
- f. Cattle numbers 2014
  - i. 900 milk & dry cows
  - ii. 850 replacements from newborns up to springer heifers
  - iii. The cattle numbers for 2013 and 2014 come from Curtis Yett of Sage Dairy, LLC.

5. Provide a description of Respondent's irrigation system and practices including how the crops are irrigated and the collection of return flows. The nutrient management plans we have included on the disc as **Exhibits F and G** provide you with both a historical and recent evaluation of the irrigation system and practices in place at Rim Fire Ranch as conducted by third parties. **Exhibit F** includes an analysis of irrigation practices which has essentially remained constant. In terms of limited changes in irrigation practices, the field identified as the upper turkey field is furrow irrigated when corn is rotated out instead of alfalfa.

In terms of collection of return flows or tail water, the nutrient management plan addresses this issue with maps and pictures showing water flows and describing the nature of the return system. Due to relocating the Sandhollow spill way, we had the Idaho Department of Agriculture perform a site visit last week. We have included a copy of that trip report. This document further explains the change in the origin of the Sandhollow drain ditch from the north east corner of the property to the south west corner as well as the earthen dam with plastic lining that now separates the Sandhollow drain ditch from the tail water mixing pond. As a result of these changes, the irrigation tail water from our fields does not leave the property, unlike the tail water from virtually every other farm in the state.

In terms of identifying the person primarily responsible for operations and maintenance of the irrigation system, that person would (b) (6) Terry A. Jones, 6030 Sandy Ave, Emmett, ID, 83617. (b) (6) James Jones, 5888 Sandy Ave., Emmett, Idaho, 83617 has also been involved in operation and maintenance of the irrigation equipment and watering the crops during the growing seasons. Regarding



documents you have requested related to the irrigation system, the water for Rim Fire Ranch is provided by the Emmett Irrigation District for which we pay water taxes. We can provide those documents if that is what you are needing to see. We are allotted a certain amount of water per year which we use for watering the above described crops.

We are unaware of any pumping or irrigation records, nor are we aware of any requirement that such records are supposed to be kept. Changing and moving the irrigation water around the fields and around the farm is a daily activity during the growing season. Records relating to methods, application rates and crop type broken down by field can be found in the attached nutrient management plans as **Exhibits F and G**. If this is not the information you are looking for, please let us know.

6. Describe any changes or modifications to the irrigation system or practices in the last five years. See answer to No. 5. As we can afford to do so, we have replaced hand lines with some wheel lines in the snake field. We have also added additional aluminum gated pipe sections instead of using plastic nu-flex pipe in portions of several fields. The major change to the irrigation system relates to the recirculation of the tail water as outlined above. Over the last five years the piping was improved to allow us to apply a percentage of process wastewater from the lagoons as described herein onto the snake field. The skunk and pheasant fields had previously been receiving partial recirculated water for irrigation purposes.

7. Describe the nutrient management practices used by Respondent at the facility. Please see the two nutrient management plans attached hereto as **Exhibit F and G**. Between the years of 2009 to 2011 the operation was milking such a small number of cows that there was no need to dewater the lagoons because it evaporated leaving only the solids for which there was more than adequate storage and/or space for land application. All manure produced by those cows was either stored or land applied to the 180 production acres on this farm. None of it was exported.

In anticipation of the facility upgrade in 2012, the entire lagoon was dried out, cleaned out, reconstructed and enlarged. This manure was mostly exported to neighboring farms with about 100 truckloads being placed on Rim Fire Ranch property either directly onto fields or in storage. A three foot clay liner was installed and compacted down in order to seal the lagoon per the design requirements of the Idaho State Department of Agriculture. This lagoon was approved by the ISDA before the dairy was allowed to operate.

Since the end of 2012, the source for all manure and process wastewater applied to our fields came from Sage Dairy located on the Rim Fire Ranch property. We were able to locate one document related to land application of manure in 2013 which is on the attached disc as **Exhibit H**. This document shows down at the bottom that 93 truckloads of manure were hauled onto the Rim Fire Ranch property. Some of this was applied directly onto the fields and some it was placed on the property in storage location for future application.



As the latest enclosed nutrient management plan describes, the lagoon is dewatered by routing water into the separation lagoon. We do not dewater by allowing lagoon water into the tail water return pond. The separation lagoon water is mixed with tail return water via pipes that are protected by check valves and regulated by butterfly valves. This allows the system not to pollute the tail return pond with lagoon water and also allows us to regulate the mix volumes, i.e. a 10% mix onto the fields. This water is then pumped out to be utilized for irrigation of Rim Fire Ranch ground.

Per the lease agreement, page 6, section 5.4, Sage Dairy is responsible for maintenance of the lagoon system. You have the contact information for Sage Dairy including both its principles Curtis Yett and Joel Van Lith. These individuals would presumably be able to tell you who else has been receiving additional manure and process wastewater from the lagoons located on Rim Fire Ranch property currently being leased by Sage Dairy. Respondent does not have copies of any documents which Sage Dairy may have relating to the quantity or final disposition of exported manure and process wastewater from the lagoon for the last two years since the dairy lease originated.

We are aware, however, that Benjamin Kipper, our neighbor whose property borders to the immediate south, has also received many truckloads of the manure from these lagoons since 2012. In this regard, we also know that the runoff from Mr. Kipper's fields drains downstream directly into the same Sandhollow drain ditch for which we are being accused of polluting.

Your request for information regarding "at which point Respondent takes possession of the manure or process wastewater" is somewhat confusing to us. Respondent does take possession of some of the manure and process wastewater to meet natural fertilization needs for the farm ground as explained above once it leaves the lagoon system depicted on the enclosed photos. (b) (6) Terry A. Jones would be the person responsible for the land application of that manure and process wastewater onto Rim Fire Ranch property as set forth herein.

Dewatering of the lagoon by routing processed wastewater into the tail water mix pond was not started until July 17, 2013. In 2012, the lagoon was empty and under construction. Prior to July 2013, there had not been enough water in the upgraded lagoon system after the arrival of Sage Dairy to warrant its use within the tail water system. The water from the separation lagoon noted on **Exhibit D** was mixed with tail water from other fields as described in the nutrient management plan and as explained above. This water was first distributed across the skunk field. Run off from this field would then travel down to the separation pond to remove silt after which it was then recaptured for use to help irrigate the Pheasant field. The crop on both of these fields was corn. We have been complimented by many agencies for our efficient use of water in our operation.



The run off from these fields is again recaptured in the tail water mix pond where it is mixed with tail water from the Loop (bull), rabbit and cottonwood fields. This water was again mixed in a continuous process in the tail water mix pond and then pumped back onto the skunk and pheasant fields. (please note the location of these named fields can be found in the attached nutrient management plans) When irrigation water is not needed for these fields, this mixed water is moved up to the snake field where it is applied via hand and wheel line sprinklers for which there is no tail water run-off. The crop on the snake field in 2013 was part alfalfa (18 acres) and part triticale (22 acres). After the first cutting of triticale, sudan grass was drilled into the field after which a second and third cutting were harvested.

8. Provide a detailed description of the hydrological connection between Respondent's irrigation system and the Sandhollow drain ditch. As outlined above, the Sandhollow drain originates on the Rim Fire Ranch property. In response to concerns raised by Joe Morton, we filed an application with the Emmett Irrigation District last year to totally relocate the head gate for the Sandhollow drain. See the approval from the Emmett Irrigation District to move the Sandhollow waste ditch head gate attached as **Exhibit J**. This work has been completed and resulted in eliminating any contact between Rim Fire Ranch tail water from our irrigated fields and the Sandhollow waste ditch which previously served as a collection point for tail water from many of our fields. See photos attached as **Exhibit K**.

It is our understanding that you have in your possession a copy of the Idaho State Department of Agriculture Dairy Bureau Investigation summary dated following the visit of July 18, 2013. This is the only document we are aware of relating to any alleged discharge. If you need us to send you another copy of this document please let us know. The introduction of that document discusses the hydrological connection at issue. The tail water retention pond is slopped and drained eastward down to the pumps located at the east end of the pond. Prior to being relocated over the last winter, water within the Sandhollow drain ditch included both spill water from the Emmett Irrigation canal as well as our own tail water from upstream fields. This too, is depicted in the enclosed nutrient management plans.

Water from the Sandhollow drain ditch exited our property to the neighboring Kipper property near our tail water retention pond. Tail water from our fields was mixed with water from the separation lagoon and upper separation pond and pumped back up for irrigation purposes as outlined above. We know that on the night of July 17, 2013 our wastewater mix was set at a rate of approximately 10% wastewater and 90% tail water. This is a customary setting for us and has never resulted in an overflow or back up of water within our tail water retention pond.

Given the level of conflict between Rim Fire Ranch and Joe Morton we feel it is not a coincidence that the very first day we start to dewater our separation lagoon that a complaint was filed. Not only do we suspect foul play, but we believe we have evidence of it. We have enclosed written statements of an employee of Sage



Dairy as well as from my brother James Jones. These statements document them independently seeing suspicious individuals down around our water pumping facility later last summer on multiple occasions. See statements attached as **Exhibit L**. If you are familiar with our property you would know we are in the middle of nowhere and there would be no reason for anyone not affiliated with our operation to be snooping around. We believe Morton interfered with our facility and either caused the discharge, if one occurred, or provided false information to support a claimed discharge.

As further evidence, the prior year one of our check valves in our water system had the end of a shovel handle wedged into it. We believe this item could not have gotten where it was unless someone was tampering with our system and trying to create a potential discharge issue. This act of sabotage interfered with that particular check valve which prevented separation lagoon water from entering into tail water retention pond. Had this not been discovered, this could eventually cause a back-up problem. Based on the design of the system and many years of experience with it, we believe the only way this could happen is by the intentional actions of someone who intended to try and disable the system.

Regarding the complaint at issue, the Idaho State Department of Agriculture came out the day after we started dewatering our separation lagoon. The ISDA was responding to yet another email complaint from Morton dated July 18 pursuant to his suspiciously detailed, but utterly inaccurate representations. The ISDA report from that visit found evidence of process wastewater in the Sandhollow drainage ditch, but no proof it came from anything but irrigation tail water. We are aware that Joe Morton provided alleged samples of water to both the State and to your office. We have no idea where he obtained the samples and contend that given his history not only with us, but with our industry in general, that he has no credibility and is clearly biased against us. As a result, his samples are of no value for supporting any alleged discharge against us and we would object to their use.

We know that ISDA and others have performed numerous inspections of our property without finding any evidence of wrongdoing. In addition, inspections subsequent to this event performed by the ISDA found evidence of water coming out of the ground on the Kipper property in the vicinity of the Sandhollow waste ditch. We do not know if this was a source of any effluent water which was found within the ISDA samples, if so, this would be from Kipper's water not ours. It is also possible that this could have been due to gopher activity.

Before we were given permission to move the Sandhollow spill, any of our tail water that left the property did so, just as it does for every other farmer in this area, through the Sandhollow waste water drainage. Downstream property owners and water users also have chemical and manure irrigation runoff which makes its way into this tail water ditch. It is therefore unclear how any elevated readings from samples taken many miles downstream can be established as originating from our facility. This would mean that testing had been done to rule out these other facilities as being a contributor of any



pollutants. If these tests were conducted, we would like to see the test results and who took the samples.

We strongly dispute that any pollutants were impermissibly discharged into the Sandhollow drain ditch from our facility. Other than normal irrigation tail water drainage, in order for any discharge from our property to occur as alleged, this would require the tail water pond to overflow while we were actively mixing in from the separation lagoon. This would be something which we have never seen happen before in the nearly 35 years we have lived on this property. Our pumps did not fail and we did not personally observe any indication that water from our tail water retention pond was leaving the property and getting into the Sandhollow waste water drain.

When the ISDA came out on July 18 and found evidence suggestive of high effluent water in the waste ditch, our immediate fix was to install an earthen berm or dike across our tail water retention pond to eliminate any opportunity for water to leave the tail water retention pond and into the Sandhollow drainage. This initially included a pipe with a check valve that would allow water to flow into the retention pond from the Sandhollow waste ditch. The check valve prevented water from leaving the pond into the Sandhollow waste ditch. Out of a further abundance of caution, this pipe has since been removed. Hilary Collinsworth, Program Director with the ISDA, approved the installation of this earthen dike in response to Mr. Morton's July 2013 complaint. The photos enclosed at the end of **Exhibit K** document the initial berm as well as the subsequent 2014 improvements making the berm not only wider, but also including a plastic liner. Further photos and descriptions of this improvement can also be found in the enclosed May 1, 2014 ISDA trip report.

In his complaint, Morton wrongly accused us of pumping lagoon water directly into our corn field which never occurred. This is proof that he does not understand our system and simply makes wild accusations. Instead, what his photos depicted were the result of us having blocked off the drainage of tail water from the pheasant field which caused the irrigation tail water to back up in the field. This effectively destroyed over 5 acres of our corn crop as the enclosed photos demonstrate. This was done in an attempt to show that by stopping tail water from leaving the field and into the Sandhollow drainage that there was no way any downstream effluent complaints could be originating from our property. The fact that subsequent test results still showed elevated levels proves the contamination was not coming from our property. The pumping at issue involved us pumping accumulated irrigation tail water out of the end of the pheasant field and back into our tail water retention pond. This was clearly observed by the ISDA personnel when they performed numerous subsequent site inspections based on the continuous email complaints submitted by Morton which resulted in almost daily contact from the ISDA. (Proof of this daily contact by Mr. Morton can be seen in the emails contained within the ISDA report referred to herein.)

We voluntarily blocked the draining of our irrigation tail water from the pheasant field back into the Sandhollow waste ditch despite the fact this is how the field



had been watered and tail water run off drained for the last several decades dating back before we ever purchased the property. In addition, all the nutrient management plans approved for this facility were aware of and approved the water flow including drainage of our irrigation tail water back into the Sandhollow drain ditch. We are hopeful that your agency will understand that we have not done anything to try and harm the environment by our actions in this case. The proof of these events is documented by the ISDA report. In all following complaints by Mr. Morton, the ISDA documented no evidence of alleged pollution from our system even though the complaints from him kept coming.

In discussing this matter with the ISDA, they made it clear to us in several meetings that if there had been an improper discharge, that any sanction could and would be addressed by virtue of efforts to eliminate any further discharge concerns. Since we had never before had a problem, we took immediate steps to eliminate even the potential for any discharge, and we have evidence suggestive of sabotage or interference by others outside of our control, we believe we should not be further sanctioned by your agency. We are not aware of any environmental damage in terms of fish or other species habitat, nor are we aware of anyone undertaking any clean-up efforts as a result of this event.

In terms of remedial measures, we not only installed a permanent barricade between the tail water retention pond and the Sandhollow waste ditch, but we moved the waste ditch point of origin so it would no longer run through our property. This came at great expense to us of approximately \$20,000 as well as our own labor.

In addition, by voluntarily blocking off our waste ditch last summer, we lost over five acres of our crop for the 2013 season. Moreover, we have now suffered the permanent loss of around 2 acres of farm ground in order to install a new larger tail water retention pond despite the fact that our entire system has been previously approved and used for years without any problems. The crop loss alone last year caused by flooding the field resulted in a financial loss to the farm of over \$3500. Going forward, the permanent ground loss will result in annual crop losses of \$2000 or more for every year from now on. As a small business we have spent over \$100,000 in responding to and opposing various allegations by Joe Morton.

In sum, we believe we have been prompt in responding to allegations of any wrongdoing and have incurred significant expenses to ensure the continued integrity of our water system going forward. It is unfortunate that we have a neighbor who is determined to put us out of business. We were already forced to terminate our other calf raising business located on Silverleaf west of Mr. Morton because the person running the operation would no longer agree to put up with the weekly complaints to every agency in existence even though we were doing nothing wrong. The constant scrutiny this man places on us is nothing more than sheer harassment and we are hopeful that the EPA will not allow him to control you the same way he has tried to do with us.



We are hopeful this matter can be resolved, but dispute that our family farm should be fined or sanctioned further by the EPA for the events at issue here. We value clean water as much as anyone and we have proven that fact by taking the extraordinary step of eliminating irrigation tail water being released from our property. Very few farmers can make that statement. Please understand that we do not have the means to satisfy any financial sanction and we believe this is precisely what Mr. Morton has been hoping for so that our third generation family farm will have to be sold or further financially crippled. This would also result in the loss of many jobs to our local economy as many farmers sell their crops and feed to the Sage Dairy.

Instead, we believe that our remediation actions can be celebrated by the EPA and represent a successful outcome based on the changes we made. These changes promoted the environmental improvement of our facility which exceeds industry standards that other farmers can observe and seek to replicate. Presumably this would be a far more preferred outcome than seeking civil penalties in a questionable case which would simply put a small family business out of business and reward those who seek to abuse the system for their own personal gain. This was the conclusion of the ISDA when we met with them to discuss our plan and efforts to solve this problem which they not only agreed with but strongly supported.

In recognition of our actions, it is our understanding that the ISDA took no action against us in this matter because it is better for the industry to invest money not into paying some fine, but into solving the problem which we believe we have done here. We are a dairy farm and we produce food that people eat every day and our customers are sensitive to the quality and environment in which their products are produced. We are a highly regulated industry and we are trying hard to survive. We respect the role that your agency plays in our country and are hopeful that you will likewise respect and understand what is really going on in this case.

As a footnote, we contend that the documents we have produced are confidential business information and are to be protected from disclosure to anyone outside of the EPA. In particular, the nutrient management plans are protected from disclosure by Idaho State law. We are aware that Joe Morton is actively emailing your agency, that he routinely makes information requests and that he is trying to obtain any and all documentation possible on our operation to further his own agenda. The documents we have produced to you both in hard copy and on CD are not public and we do not give any license nor do we give any approval for the EPA to disclose or allow these records to be produced to any third party without our express written authorization.

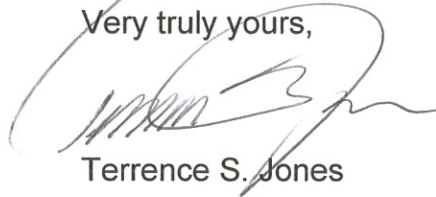
We do not have the capability to individually mark each document and it would be a redundant task since we invoke CBI protection for all the documents with the exception of the deed which is clearly a public record. If we need to go through and

individually hand-mark each document as privileged, please let us know and we will do so, but we did not have time to do so and meet your deadline.

Should you require anything else from us prior to our telephone conference on May 15, please advise. We again renew our request for you to see the property to better understand the issues in this case if we are being considered for any fine. There is only so much which can be explained in writing and in photos. We understand that from a budget standpoint that may not be possible.

Thank you for considering our response.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Terrence S. Jones", is written over a large, light-colored circular scribble or stamp.

Terrence S. Jones

TSJ/ms  
Enclosures





Canal in Blue  
Waste Ditch in Red  
New Waste Ditch in Black